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BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION

JIM IRVIN
COMMISSIONER - CHAIRMAN
RENZ D. JENNINGS
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

JUL 16 11 20 AM '98

DOCKET NO. S-03177A-98-0000

IN THE MATTER OF:

DOCKET NO. S-03177A-98-0000

FOREX INVESTMENT SERVICES CORPORATION
2700 N. Central Ave., Suite 1110
Phoenix, AZ 85004

EASTERN VANGUARD FOREX LTD.
2700 N. Central Ave., Suite 1110
Phoenix, AZ 850-04

c/o HWR Services Limited, Registered Agent
P.O. Box 71, Craigmuir Chambers
Road Town, Tortola
British Virgin Islands

EASTERN VANGUARD GROUP LIMITED
c/o AMS Trustees Limited, Registered Agent
Creque Building, Main Street, P.O. Box 116
Road Town Tortola
British Virgin Islands

K. (DAVID) SHARMA
Eastern Vanguard Forex Ltd.
P.O. Box 71, Craigmuir Chambers
Road Town, Tortola
British Virgin Islands

SAMMY LEE CHUN WING
Eastern Vanguard Group Limited
Creque Building, Main Street, P.O. Box 116
Road Town, Tortola
British Virgin Islands

PETER SUEN SUK TAK
Eastern Vanguard Group Limited
Creque Building, Main Street, P.O. Box 116
Road Town, Tortola
British Virgin Islands

JAMES CHARLES SIMMONS, JR.
5045 N. 58th Ave., #23A,
Glendale, AZ 85301

MICHAEL E. CHO
839 Faxon Avenue
San Francisco, CA 94112

1 TO FAI CHENG)
 1800 Van Ness, 2nd Fl.)
 2 San Francisco, CA 94109)
 3)
 3 JEAN YUEN)
 439 - 3rd Avenue)
 4 San Francisco, CA 94118)
 5)
 5 Y & T INC., dba TOKYO INTERNATIONAL)
 INVESTMENT LTD.)
 6 1800 Van Ness Ave., 2nd Fl.)
 San Francisco, CA 94109)
 7)
 8 WING MING TAM)
 c/o Tokyo International Investment Ltd.)
 1800 Van Ness Ave., 2nd Fl.)
 9 San Francisco, CA 94109)
 10)
 10 GUO QUAN ZHANG)
 c/o Tokyo International Investment Ltd.)
 11 1800 Van Ness Ave., 2nd Fl.)
 San Francisco, CA 94109)
 12)
 Respondents.)

PROCEDURAL ORDER**BY THE COMMISSION:**

15 Counsel for the parties requested a prehearing conference to discuss issues regarding the
 16 representation of Respondent James Charles Simmons, Jr. ("Respondent Simmons"). A prehearing
 17 conference was scheduled for July 14, 1998 at 3:00 p.m. Prior to the prehearing conference on July 14,
 18 1998, the law firm of Sirianni & Youtz, by Chris R. Youtz, and the law firm of Roshka Heyman &
 19 DeWulf, PLC, by Alan S. Baskin ("Attorneys Youtz and Baskin") filed a notice of withdrawal as counsel
 20 for Respondent Simmons. The prehearing conference was held as scheduled, at which the Hearing
 21 Officer ruled that the notice of withdrawal was improper. A prehearing conference was scheduled for
 22 July 15, 1998, at 2:00 p.m., and Attorneys Youtz and Baskin were informed that they needed to apply
 23 to withdraw, and to notify Respondent Simmons of his opportunity to respond and of the scheduled
 24 prehearing conference.

25 On July 15, 1998, Attorneys Youtz and Baskin filed a motion to withdraw as counsel for
 26 Respondent Simmons. Respondent Simmons did not appear at the prehearing conference on July 15,
 27 1998. Attorneys Youtz and Baskin stated that Respondent Simmons was provided with a copy of their
 28 motion, and notified both orally and in writing of the scheduled prehearing conference. The Securities

1 Division ("Division") of the Arizona Corporation Commission ("Commission") had no objection to the
2 motion to withdraw being granted. The motion was granted at the prehearing conference.

3 Attorneys Youtz and Baskin no longer represented Respondent Simmons. Attorneys Youtz and
4 Baskin and the Division agreed that Attorneys Youtz and Baskin could not continue to represent the
5 Respondents other than Respondent Simmons unless Respondent Simmons consented to that
6 representation, according to the Ethical Rules. Consent cannot be inferred by Respondent Simmons'
7 failure to appear at the prehearing conference.

8 Attorneys Youtz and Baskin requested that another prehearing conference be scheduled, with the
9 intent that Respondent Simmons appear, obtain information regarding the consequences of any consent,
10 and make known whether he consents to the representation of the other Respondents by Attorneys Youtz
11 and Baskin. Attorneys Youtz and Baskin requested that the hearing date of July 27, 1998 be vacated at
12 this time, as discovery and the representation of the other Respondents must await resolution of the
13 representation issue. Counsel Youtz also requested that he be permitted to participate telephonically at
14 the prehearing conference. The Division did not object to the requests of Attorneys Youtz and Baskin.
15 It is therefore appropriate to grant the requests of Attorneys Youtz and Baskin.

16 IT IS THEREFORE ORDERED that the request of Attorneys Youtz and Baskin to withdraw from
17 representation of Respondent Simmons has been granted, effective at the prehearing conference on July
18 15, 1998. Respondent Simmons is still a Respondent in this matter, and is responsible for obtaining
19 representation or for representing his own interests in this matter.

20 IT IS FURTHER ORDERED that the hearing on the above-captioned matter, presently scheduled
21 for July 27, 1998, at 9:30 a.m., shall be, and is hereby, vacated, to be reset upon further order of the
22 Commission.

23 **IT IS FURTHER ORDERED that a prehearing conference shall be held on July 27, 1998,**
24 **at 9:30 a.m. Counsel Youtz may participate telephonically. Due to the nature of the matter to be**
25 **discussed at the prehearing conference, the Commission prefers that Respondent Simmons**
26 **participate in person.**

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1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any
2 portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 16th day of July, 1998.

4 
5 BARBARA M. BEHUN
6 HEARING OFFICER

7 Copies of the foregoing mailed/delivered
8 this 16th day of July, 1998 to:

9 Paul J. Roshka, Jr.
10 Alan S. Baskin
11 ROSHKA HEYMAN & DEWULF, PLC
12 Two Arizona Center
13 400 North 5th Street, Suite 1000
14 Phoenix, Arizona 85004
15 Attorneys for Respondents

16 Chris Youtz
17 SIRIANNI & YOUTZ
18 Columbia Center
19 701 Fifth Avenue, Suite 3410
20 Seattle, Washington 98104
21 Attorneys for Respondents

22 James Charles Simmons, Jr.
23 5045 North 58th Avenue, #23A
24 Glendale, Arizona 85301

25 Michael Burton, Director
26 Mark Knops
27 Securities Division
28 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Robert A. Zumoff
Assistant Attorney General
ARIZONA ATTORNEY GENERAL'S OFFICE
1275 West Washington
Phoenix, Arizona 85007

...

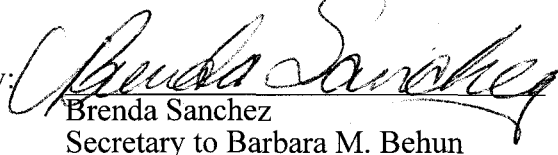
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1 ARIZONA REPORTING SERVICE, INC.
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1104

4 By:


Brenda Sanchez
Secretary to Barbara M. Behun

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6 A copy of the foregoing will be personally served upon
7 James Charles Simmons, Jr. at the above address by
8 Hawkins & Campbell, Inc.
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